

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA**

SADRICK DONALDSON,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 04-257E
v.	)	
	)	Judge McLaughlin
UNITED STATES OF AMERICA,	)	Magistrate Judge Baxter
	)	
Defendant.	)	ELECTRONICALLY FILED

**DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT, OR,  
IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

AND NOW, comes the Defendant, United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Paul E. Skirtich, Assistant U.S. Attorney for said district, and files the following Motion to Dismiss Plaintiff's Complaint, or in the Alternative, for Summary Judgment, pursuant to Rules 12(b)(1) and 56 of the Fed. R. Civ. P., and respectfully moves the Court to grant the Defendant's Motion to Dismiss or, in the Alternative, for Summary Judgment in favor of the United States, upon the grounds: (1) that the Court lacks jurisdiction over the subject matter; and/or (2) that the pleadings show that there is no genuine issue as to any material fact, and the United States is entitled to judgment as a matter of law.

A Memorandum of Law in support of this Motion will be filed forthwith, and the contents therein will be incorporated by reference.

WHEREFORE, the Defendant, United States of America, respectfully requests that the Court grant its Motion to Dismiss, or in the Alternative, its Motion for Summary Judgment in favor of Defendant and against Plaintiff Sadrick Donaldson.

Respectfully submitted,

MARY BETH BUCHANAN  
UNITED STATES ATTORNEY

s/Paul E. Skirtich  
PAUL E. SKIRTICH  
Assistant United States Attorney  
Western District of Pennsylvania  
700 Grant Street, Suite 4000  
Pittsburgh, PA 15219  
(412) 894-7418  
PA ID No. 30440

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Defendant's Motion to Dismiss or, in the Alternative, for Summary Judgment was electronically filed and/or served by postage-paid U.S. Mail on this 26<sup>th</sup> day of September, 2005, to and upon the following:

Sadrick Donaldson  
Register No. 20102-018  
FCI Allenwood  
P.O. Box 2000, 4-B  
White Deer, PA 17887-2000

s/Paul E. Skirtich  
PAUL E. SKIRTICH  
Assistant U.S. Attorney